

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**UNITED STATES POSTAL SERVICE**

**and**

**Cases 14-CA-30049  
14-CA-30087  
14-CA-30225  
14-CA-30279  
14-CA-30342**

**NATIONAL POSTAL MAIL HANDLERS  
UNION, LOCAL 314**

**and**

**Case 14-CA-30341**

**SAINT LOUIS GATEWAY DISTRICT AREA LOCAL,  
AMERICAN POSTAL WORKERS UNION, AFL-CIO**

**DECISION AND ORDER**

**Statement of the Cases**

On October 6, 2011, United States Postal Service, (the Respondent), the National Postal Mail Handlers Union, Local 314 (the Mail Handlers Union), the Saint Louis Gateway District Area Local, American Postal Workers Union, AFL-CIO (the Postal Workers Union), and the Acting General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act, as amended, and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.<sup>1</sup>

---

<sup>1</sup> Chairman Pearce and Member Becker note that the remedy to which the parties have agreed is not fully consistent with previous broad orders that the Board has issued against the Respondent in cases alleging that the Respondent has violated Sec. 8(a)(5) of the Act by failing and refusing to provide relevant information. See, e.g., *United States Postal Service*, 28-CA-17383 et al., unpublished order issued November 4, 2002, enfd. Case 02-9587 (10th Cir. 2003); and *United States Postal Service*, 345 NLRB 426 (2005), enfd. 486 F.3d 683 (10th Cir. 2007). These broad orders, as enforced by the United States

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following:

### **Findings of Fact**

#### **1. The Employer's business**

The Respondent provides postal services for the United States and operates various facilities throughout the United States in the performance of that function, including the St. Louis Missouri Processing and Distribution Center, located at 1720 Market Street, St. Louis, Missouri, the Hazelwood National Distribution Center, located at 5800 Phantom Drive, Hazelwood, Missouri, and the Hazelwood Metro Annex, located at 5463 Phantom Drive, Hazelwood, Missouri.

The Board has jurisdiction over the Respondent and these matters by virtue of Section 1209 of the Postal Reorganization Act, 39 U.S.C. Section 101 et seq. (PRA).

#### **2. The labor organizations involved**

At all material times, the Mail Handlers Union has been a labor organization within the meaning of Section 2(5) of the Act.

At all material times, the National Postal Mail Handlers Union, AFL-CIO, a Division of the Laborers' International Union of North America (the National Mail Handlers Union), has been a labor organization within the meaning of Section 2(5) of the Act.

At all material times, the Postal Workers Union has been a labor organization within the meaning of Section 2(5) of the Act.

At all material times, the American Postal Workers Union, AFL-CIO, (the National Postal Workers Union), has been a labor organization within the meaning of Section 2(5) of the Act.

### **ORDER**

---

Courts of Appeals, remain in effect. However, because all parties have agreed to the terms of this Formal Settlement Stipulation, Chairman Pearce and Member Becker have determined that approval of the parties' settlement will effectuate the purposes of the Act. The Board's approval of this stipulation does not modify these orders in any respect.

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, as amended, the National Labor Relations Board orders that:

The Respondent, United States Postal Service, St. Louis Missouri Processing and Distribution Center (St. Louis P&DC), Hazelwood National Distribution Center (NDC), and Hazelwood Metro Annex (Annex), its officers, agents, successors, and assigns shall

1. Cease and desist from

(a) Failing and refusing to bargain in good faith with the exclusive representative of its employees included in units appropriate for collective bargaining by unreasonably delaying in providing the Postal Workers Union or the Mail Handlers Union with information requested by them which is necessary for, and relevant to, the performance of their duties as the exclusive collective-bargaining representative.

(b) In any like or related manner interfering with, restraining or coercing its employees in the exercise of their rights to self-organization, to form labor organizations, to join or assist the Mail Handlers Union, the Postal Workers Union, or any other labor organization, to bargain collectively through representatives of their own choosing and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any and all such activities.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Within 14 days of service by the Region, post at the St. Louis Processing and Distribution Center, St. Louis, Missouri, the Hazelwood National Distribution Center, Hazelwood, Missouri, and the Hazelwood Metro Annex, Hazelwood, Missouri, copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by Region 14, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent has gone out of business or closed any facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and

former employees employed by the Respondent at any time since October 18, 2009.

(c) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C., November 29, 2011.

---

Mark Gaston Pearce, Chairman

---

Craig Becker, Member

---

Brian E. Hayes, Member

(SEAL)

**NATIONAL LABOR RELATIONS BOARD**

## **APPENDIX**

### **NOTICE TO EMPLOYEES**

**Posted by Order of the  
National Labor Relations Board  
An Agency of the United States Government**

PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER AND A  
CONSENT JUDGMENT OF ANY APPROPRIATE UNITED STATES COURT OF  
APPEALS

#### **FEDERAL LAW GIVES YOU THE RIGHT TO:**

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

Accordingly, we give you our assurances that:

**WE WILL NOT** unreasonably delay in providing the National Postal Mail Handlers Union, Local 314, or the Saint Louis Gateway District Area Local, American Postal Workers Union, AFL-CIO, with information that is relevant and necessary to their role as your bargaining representative.

**WE WILL NOT** in any like or related manner interfere with your rights under Section 7 of the Act.

UNITED STATES POSTAL SERVICE